

Docket No. 1855/96

U.S. PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER : 819,305
PATENT NUMBER : 5,360,897
FILING DATE : January 9, 1992
ISSUE DATE : November 1, 1994
INVENTION TITLE : IMMUNOGENIC CONJUGATES OF
STREPTOCOCCUS PNEUMONIAL CAPSULAR
POLYMER AND TOXIN OR IN TOXOID
INVENTOR(S) : Porter W. Anderson and Ronald J. Eby

Assistant Commissioner for Patents
Box Patent Extension
Washington, DC 20231

Communication

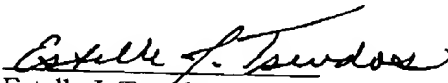
This communication is in response to a requirement for information that was mailed from the United States Patent and Trademark Office (U.S.P.T.O.) on May 25, 2000. (Attached as Exhibit 1). The requirement for information requests documentary evidence of the complete chain of title from the inventors, Porter W. Anderson and Ronald J. Eby, to the University of Rochester. The May 25, 2000 requirement appears identical to the requirement for information mailed from the U.S.P.T.O. on May 1, 2000. (Attached as Exhibit 2). ~~Applicants filed a response to the May 1, 2000 requirement on May 18, 2000.~~ (Attached as Exhibit 3). As such, it is Applicants' belief that the papers filed on May 18, 2000 contain all the information required for responding to the May 25, 2000 requirement.

Applicants are hereby submitting this communication to the U.S.P.T.O. by facsimile,

as instructed by Karen Tyson, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy. During a June 5, 2000 conversation with Applicants, Ms. Tyson directed Applicants to fax the present communication to her, since the U.S.P.T.O.'s records did not have record of the U.S.P.T.O.'s May 1, 2000 requirement for information. This communication is being provided to the U.S.P.T.O. and Ms. Tyson.

Respectfully submitted,

Date: June 7, 2000


Estelle J. Tsevdos
Reg. No. 31,145

Kenyon & Kenyon
One Broadway
New York, New York 10004
Tel: (212) 425-7200
Fax: (212) 425-5288

EXHIBIT 1

MAY 25 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

David T. Read
Acting Director Regulatory Policy Staff, CDER
Food and Drug Administration
1451 Rockville Pike, HFD-7
Rockville, MD 20852

Dear Mr. Read:

The attached application for patent term extension of U.S. Patent No. 5,360,897 was filed on April 14, 2000, under 35 U.S.C. § 156.

The assistance of your Office is requested in confirming that the product identified in the application, Prevnair™ (Diphtheria CRM₁₉₇ protein), has been subject to a regulatory review period within the meaning of 35 U.S.C. § 156(g) before its first commercial marketing or use and that the application for patent term extension was filed within the sixty-day period after the product was approved. Since a determination has not been made whether the patent in question claims a product, or the method of use of manufacturing such a product, which has been subject to the Federal Food, Drug and Cosmetic Act, this communication is NOT to be considered as notice which may be made in the future pursuant to 35 U.S.C. § 156(d)(2)(A).

Our review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. § 156.

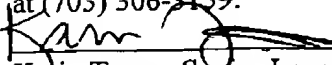
Any correspondence, especially any change of address from applicant, with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box Patent Ext.
Washington, D.C. 20231

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

By FAX: (703) 308-6916 or (703) 941-8711
Attn: Karin Tyson

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 306-3159.


Karin Tyson, Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Estelle J. Tsevdos
Kenyon & Kenyon
One Broadway
New York NY 10004



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 25 2000

Estelle J. Tsevdos
Kenyon & Kenyon
One Broadway
New York NY 10004

In re: U.S. Patent No. 5,360,897
Issued: November 1, 1994
Inventors: Peter W. Anderson, et al.
For: Immunogenic Conjugates of Streptococcus Pneumonial Capsular Polymer and
Toxin or in Toxoid

REQUIREMENT FOR INFORMATION

This is in response to the application for patent term extension under 35 U.S.C. § 156, filed April 14, 2000 in the above-identified patent.

The requested information must be submitted within TWO (2) MONTHS from the mail date of this letter. Failure to respond may result in a delay in the processing of the application. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

Applicant has not complied with 37 CFR 3.73(b). When an assignee seeks to take action in a patent, the assignee must establish ownership of the patent by submitting documentary evidence of the chain of title from the original owner (the inventors) to the assignee. The application papers filed April 14, 2000 only contain a copy of the assignment from Praxis Biologics to the University of Rochester and do not contain a copy of the assignment from the original inventors to Praxis, or a reference to a reel and frame number of such an assignment.

In response to this letter, applicant must provide documentary evidence of the complete chain of title from the inventors, Porter Anderson and Ronald Eby, to the University of Rochester. See 37 CFR 3.73(b) and MPEP 324. The document can be a reference to the reel and frame number of the recorded assignment or copies of the relevant assignment documents. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee.

Correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box Patent Ext.
Washington, D.C. 20231

By FAX: (703) 308-6916 or (703) 872-9411

U.S. Patent No. 5,360,897

Page 2

Attn: Office of Patent Legal Administration

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries related to this determination should be directed to the undersigned at
(703) 306-3159.



Karin Tyson

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Assistant Commissioner for Patent Examination Policy

cc: David T. Read
Acting Director Regulatory Policy Staff, CDER
Food and Drug Administration
1451 Rockville Pike, HFD-7
Rockville, MD 20852

RE: Prevnair™

EXHIBIT 2

MAY - 1 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

David T. Read
Acting Director Regulatory Policy Staff, CDER
Food and Drug Administration
1451 Rockville Pike, HFD-7
Rockville, MD 20852

Dear Mr. Read:

The attached application for patent term extension of U.S. Patent No. 5,360,897 was filed on April 14, 2000, under 35 U.S.C. § 156.

The assistance of your Office is requested in confirming that the product identified in the application, Prevnair™ (Diphtheria CRM₁₉₇ protein), has been subject to a regulatory review period within the meaning of 35 U.S.C. § 156(g) before its first commercial marketing or use and that the application for patent term extension was filed within the sixty-day period after the product was approved. Since a determination has not been made whether the patent in question claims a product, or the method of use of manufacturing such a product, which has been subject to the Federal Food, Drug and Cosmetic Act, this communication is NOT to be considered as notice which may be made in the future pursuant to 35 U.S.C. § 156(d)(2)(A).

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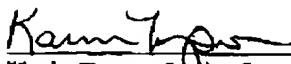
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By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

By FAX: (703) 308-6916 or (703)941-8711
Attn: Karin Tyson

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 306-3159.


Karin Tyson, Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Estelle J. Tsevdos
Kenyon & Kenyon
One Broadway
New York NY 10004

RECEIVED
KENYON & KENYON
ONE BROADWAY
NEW YORK, N.Y.
MAY 3 12 22 PM '00

MAY - 1 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Estelle J. Tsevdos
Kenyon & Kenyon
One Broadway
New York NY 10004

In re: U.S. Patent No. 5,360,897
Issued: November 1, 1994
Inventors: Peter W. Anderson, et al.
For: Immunogenic Conjugates of Streptococcus Pneumoniae Capsular Polymer and Toxin or in Toxoid

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Applicant has not complied with 37 CFR 3.73(b). When an assignee seeks to take action in a patent, the assignee must establish ownership of the patent by submitting documentary evidence of the chain of title from the original owner (the inventors) to the assignee. The application papers filed April 14, 2000 only contain a copy of the assignment from Praxis Biologics to the University of Rochester and do not contain a copy of the assignment from the original inventors to Praxis, or a reference to a reel and frame number of such an assignment.

In response to this letter, applicant must provide documentary evidence of the complete chain of title from the inventors, Porter Anderson and Ronald Eby, to the University of Rochester. See 37 CFR 3.73(b) and MPEP 324. The document can be a reference to the reel and frame number of the recorded assignment or copies of the relevant assignment documents. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee.

Correspondence with respect to this matter should be addressed as follows:

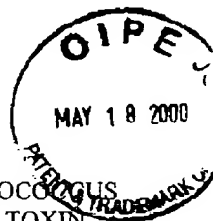
By mail: Assistant Commissioner for Patents
Box Patent Ext.
Washington, D.C. 20231

By FAX: (703) 308-6916 or (703) 872-9411
Attn: Office of Patent Legal Administration

EXHIBIT 3

The stamp of the Patent Office hereon may be taken as acknowledging the receipt, on the date stamped, of

APPLICANTS : PORTER W. ANDERSON et al.
PATENT NO. : 5,360,897
SERIAL NO. : 08/819,305
FILING DATE : January 9, 1992
ISSUE DATE : November 1, 1994



TITLE: IMMUNOGENIC CONJUGATES OF STREPTOCOCCUS
PNEUMONIAL CAPSULAR POLYMER AND TOXIN
OR IN TOXOID

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Kenyon & Kenyon deposit account 11-0600.

PAPERS FILED: Additional Information for Application for
Extension of Patent Term Under 35 U.S.C. 156 and
Copies of Assignments

325553 01855/96

EJT/TAL/nif

May 18, 2000

Docket No. 1855/96

U.S. PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER : 819,305
PATENT NUMBER : 5,360,897
FILING DATE : January 9, 1992
ISSUE DATE : November 1, 1994

INVENTION TITLE : IMMUNOGENIC CONJUGATES OF
STREPTOCOCCUS PNEUMONIAL CAPSULAR
POLYMER AND TOXIN OR IN TOXOID

INVENTOR(S) : Porter W. Anderson and Ronald J. Eby

Assistant Commissioner for Patents
Box Patent Extension
Washington, DC 20231

ADDITIONAL INFORMATION FOR APPLICATION
FOR EXTENSION OF PATENT TERM UNDER 35 U.S.C. 156

This is in response to a requirement for information mailed on May 1, 2000. The response is due on or before July 1, 2000. Specifically, the request for information stated that the Applicant must provide documentary evidence of the complete chain of title from the inventors, Porter W. Anderson and Ronald J. Eby, to The University of Rochester. Further, the request stated the document can be a reference to the reel and frame number of the recorded assignment or copies of the relevant assignment documents.

Accordingly, attached herewith are copies of the following assignments:

- 1) Assignment from Porter W. Anderson and Ronald J. Eby to Praxis Biologics, Inc., recorded on December 23, 1986 at Reel 4658, Frame 682.
- 2) Assignment from Praxis Biologics, Inc. to The University of Rochester, recorded on April 17, 1989 at Reel 5108, Frame 81.

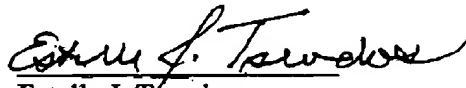
Applicants submit that this above information satisfies the request for information concerning the complete chain of title from the inventors to The University of Rochester.

Applicants would also like to clarify that the commercial product is correctly named "Prevnar™" and not Prevnair™, as identified in the letter from Karin Tyson, Senior Legal Advisor, Office of Patent Legal Administration, U.S.P.T.O., to David Read, Acting Director Regulatory Policy Staff, CDER, Food and Drug Administration.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Kenyon & Kenyon deposit account No. 11-0600.

Respectfully submitted,

Date: May 18, 2000


Estelle J. Tsevdos
Reg. No. 31,145

Kenyon & Kenyon
One Broadway
New York, New York 10004
Tel: (212) 425-7200
Fax: (212) 425-5288

Form PO-140 Approved by U.S. Patent Office December 1980		U.S. DEPARTMENT OF COMMERCE PATENT OFFICE		BEFORE USING THIS ORDER FORM read the important information on the reverse side																									
21 DEC 23 DEPOSIT ACCOUNT ORDER FORM		Date December 23, 1986		FOR OFFICE USE ONLY																									
Account No. 16-1150		Order No. 3117-031		<table border="1"> <thead> <tr> <th>ITEM OR SERVICE</th> <th>VALUE FURNISHED</th> <th>ACTION OFF. USE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		ITEM OR SERVICE	VALUE FURNISHED	ACTION OFF. USE																					
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Name and Address of Depositor: <p style="text-align: center;">PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N. Y. 10036</p>																													
DESCRIPTION OF ARTICLES OR SERVICES TO BE FURNISHED																													
Re: Porter W. Anderson and Ronald John Eby For: IMMUNOGENIC CONJUGATES																													
Serial Nos. 85B, 975, 976 Filed: May 5, 1986																													
Attached please find an executed Assignment of the above-identified application and the invention disclosed therein from Porter W. Anderson and Ronald John Eby to Praxis Biologics, Inc. Said Assignment was executed on December 10, 1986. We request that the Assignment be recorded in the U.S. Patent and Trademark Office. Please charge the required fee to our Deposit Account No. 16-1150:																													
a duplicate of this form is attached for accounting purposes.																													
hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 12-23-86		16-1150 030 518		7.00CH																									
(Date of Deposit) 29, 258		91283549																											
If additional space is needed attach separate sheets		(Reg. No.)		18,872																									
12-23-86		S. Leslie Misrock		29, 258																									
THIS FORM MAY BE REPRODUCED WITHOUT PERMISSION OF THE PATENT OFFICE.																													
FOR PROMPT, ACCURATE SHIPMENT PLEASE COMPLETE THE FOLLOWING MAILING LABEL - PLEASE PRINT OR TYPEWRITE																													

U.S. DEPARTMENT OF COMMERCE
 PATENT OFFICE
 WASHINGTON, D.C. 20231
 OFFICIAL BUSINESS
 RETURN AFTER FIVE DAYS

Name PENNIE & EDMONDS
 Street Address 1155 AVENUE OF THE AMERICAS
 City, State, Zip Code NEW YORK, N. Y. 10036

YOUR ORDER NO.
 3117-031

1378 CM

ASSIGNMENT

JOINT

3117-031

WHEREAS, W.E. PORTER W. ANDERSON and RONALD JOHN EBY

ASSIGNORS

citizens of the United States, residing at 40 Alpine St., Rochester, New York 14620 and 297 West Squire Drive #3, Rochester, New York 14621 are the inventors of the invention in Immunogenic Conjugates

for which we have filed an

application for a Patent of the United States, on May 5, 1986

Serial No. 859,975:

and WHEREAS, PRAXIS BIOLOGICS, INC., a corporation organized and existing under the laws of the State of New York and located at 30 Corporate Woods, Rochester, New York 14623

ASSIGNEE

is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all renewals and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and extensions thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisions, continuing, renewal and foreign applications, make all rightful claims, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date December 23, 1986 1986
Porter W. Anderson RECORDED & INDEXED
 Date December 23, 1986 1986
Ronald John Eby DEC 23 1986
 State of New York }
 County of Albany } SS:

On this 23rd day of December, 1986, before me, a Notary Public for and for the State and County aforesaid, personally appeared Porter W. Anderson and to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

State of New York }
 County of Albany } SS:
LINDA A. HEDERLE Notary Public.
 NOTARY PUBLIC, State of N.Y., Albany Co.
 My Commission Expires March 31, 1987

On this 23rd day of December, 1986, before me, a Notary Public in and for the State and County aforesaid, personally appeared Ronald John Eby and to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

LINDA A. HEDERLE Notary Public.
 NOTARY PUBLIC, State of N.Y., Albany Co.
 My Commission Expires March 31, 1987

REC 4658 PM 682

U.S. DEPARTMENT OF COMMERCE
PATENT OFFICE
RECEIVED

DEPOSIT ACCOUNT ORDER FORM

MAIL TO: Commissioner of Patents, 1933 150 20 51 13 16
Washington, D. C. 20231

Date April 14, 1989

Account No. 16-1150 Order No. 3117-031

Name and Address of Depositor:

PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, N. Y. 10036

DESCRIPTION OF ARTICLES OR SERVICES TO BE FURNISHED

Re: Application of Porter W. Anderson, et al., Serial # 859,975

Attached please find an executed ASSIGNMENT of the above-identified application and the invention disclosed therein from Praxis Bio-
logics, Inc. to The University of Rochester. Said ASSIGNMENT was
executed on April 10, 1989. We request that the Assignment be
recorded in the U.S. Patent and Trademark Office. Please charge
the required fee to our Deposit Account No. 16-1150; a duplicate of
this form is attached for accounting purposes.

91440554

If additional space is needed attach separate sheet.

S. Leslie Misrock Reg. No. 3, 232
S. Leslie Misrock 18872

THIS FORM MAY BE REPRODUCED WITHOUT PERMISSION OF THE PATENT OFFICE. Registration No.

FOR PROMPT, ACCURATE SHIPMENT PLEASE COMPLETE THE FOLLOWING MAILING LABEL - PLEASE PRINT OR TYPEWRITE

G 11160 04/26/89 859975 16-1150 110 518 8.00CH

U.S. DEPARTMENT OF COMMERCE
PATENT OFFICE
WASHINGTON, D.C. 20231
OFFICIAL BUSINESS
RETURN AFTER FIVE DAYS

Name PENNIE & EDMONDS

Street Address 1155 AVENUE OF THE AMERICAS

City, State, Zip Code NEW YORK, N. Y. 10036

YOUR ORDER NO.

APR-14-2000 17:46

97%

PE-041
P. 84

Amended
Disclaimer
to Group 185

3117-031

A S S I G N M E N T

WHEREAS, PRAXIS BIOLOGICS, INC., (hereinafter called "ASSIGNOR"), a corporation organized and existing under the laws of the State of New York and having its principal place of business at 30 Corporate Woods, Suite 300, Rochester, New York 14623, is the owner of the entire right, title and interest in, to and under the invention in IMMUNOGENIC CONJUGATES for which United States Patent Application Serial No. 859,975 was filed on May 5, 1986,

WHEREAS, THE UNIVERSITY OF ROCHESTER, (hereinafter called "ASSIGNEE") an educational institution chartered by the State of New York and located at Rochester, New York 14627, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR, has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States Application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States; together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof:

ASSIGNOR authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument:

ENCLOSURE

AND ASSIGNOR HEREBY covenants and agrees that it has full right to convey the entire interest herein assigned, and that it has not executed, and will not execute, any agreement in conflict herewith;

AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, ASSIGNOR has caused this Assignment to be executed by its duly authorized officer this 10th day of April, 1989.

PRAXIS BIOLOGICS, INC.

ATTEST: Karen M. Capron By: [Signature] S.
Title Vice - President

State of New York
County of Marine

SS.:

On this 30th day of March, 1989 before me, a Notary Public in and for the State and County aforesaid, personally appeared Karen M. Capron, to me known and known to me to be the person of that name, who being duly sworn did depose and say that he is Vice President of Praxis Biologics, Inc. and that he signed the foregoing instrument by authority of the Board of Directors of said corporation.

RECORDED
PATENT & TRADEMARK OFFICE

APR 17 1989

[Signature]
COMMISSIONER OF PATENTS
AND TRADEMARKS OFFICE

Karen M. Capron
Notary Public

KAREN M. CAPRON
Notary Public, State of New York
Qualified in Marine County
Commission Expires April 12, 1992

#19

KENYON & KENYON

1500 K Street, NW
Washington, DC 20005
(202)220-4200
Fax: (202)220-4201

FACSIMILE COVER SHEET

TO: Ms. Karen Tyson
FAX NO: 703-872-9411
DATE: June 12, 2000
FROM: Kenyon & Kenyon
SUBJECT: U.S. Patent No. 5,360,897
CLIENT/MATTER NO.: 1855/96
NO. OF PAGES INCLUDING COVER: 2 Φ

Please call (202)220-4258 if any pages were not received or are illegible.

MESSAGE:

The information contained in this facsimile is attorney privileged and confidential information intended only for the use of the recipient named above. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone, and return the original and all copies to us at the above address.

The stamp of the Patent Office may be taken as acknowledging the receipt, on the date stamped, of

INVENTOR(S): **Porter W. ANDERSON and Ronald J. EBY**
PATENT NO.: **5,360,897** FILED: **January 9, 1992**
TITLE: **IMMUNOGENIC CONJUGATES OF
STREPTOCOCCUS PNEUMONIAL CAPSULAR
POLYMER AND TOXIN OR IN TOXOID**

The PTO is authorized to charge any fees regarding this filing to Deposit Account No. 11-0600.

PAPERS FILED:

1. **PTO COMMUNICATION w/3 attached Exhibits**

1855/96

EJT/TAL

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